

# **Kings River Project**

## **Record of Decision USDA Forest Service High Sierra Ranger District, Sierra National Forest Fresno County, California**

### **Introduction**

One hundred years of fire suppression in the Sierra Nevada has resulted in forests full of dead wood and thickly clustered trees. This situation, plus continued urbanization of lands adjacent to national forests, has put the forests and homes at risk of catastrophic fire. This unacceptable situation endangers human lives, personal property, and dynamic forest ecosystems with the potential to drastically affect water, wildlife and fisheries habitat, air quality, economies, communities and overall quality of life.

Indeed, recent fires in the Sierra Nevada have not only threatened communities but have destroyed thousands of acres of habitat for sensitive wildlife species such as Pacific fisher and California spotted owl. A central question, then, is how do we restore the health and fire resiliency of our forests while protecting sensitive wildlife species and other important resources.

The Kings River Project (Project) attempts to begin answering this question by examining the response of some key forest elements such as sensitive wildlife species, watershed processes and aquatic species habitat to a specific uneven-aged silvicultural and prescribed fire strategy designed to restore the area to what we believe it looked like, and how it functioned, pre-1850. Undertaking this research will advance knowledge necessary to protect our forests from catastrophic wildfire while helping to ensure the survival of the fisher and spotted owl. We owe it to future generations to begin this research now.

### **Decision**

Based upon my review of the analyses of all alternatives, I have decided to select Alternative 3, the Reduction of Tree Harvest Size Alternative. This decision includes coordination with the Pacific Southwest Research Station on several research studies intended to gain information on basic science questions and address management questions on forest restoration. Alternative 3 implements an uneven-aged silvicultural strategy that limits removal of trees to 30" in diameter and smaller. Actions include: thinning, prescribed burning, site preparation, planting, and herbicide use to control

competing vegetation in plantations and for noxious weed eradication.

With this decision, I also fully adopt all of the demonstratively effective management requirements and design measures described in Chapter 2 of the Final EIS. These requirements and design measures will be fully incorporated into project implementation. In addition, monitoring is included as an integral part of this Project and will be carried out as described in Appendix B of the EIS.

My decision is to minimize the direct impacts of the Kings River treatments on fisher by directing a staged approach for entering management units with better quality fisher habitat to ensure that there is the maximum opportunity to learn from the in-progress Conservation Biology Institute's (CBI) Southern Sierra Nevada Fisher Assessment and to provide additional time for the Pacific Southwest Research Station to gather baseline data for the fisher study. The first management units to be treated will be the two units involved in the Kings River Experimental Watershed (KREW) study since timely execution is required.<sup>1</sup> One of these units will be inside fisher habitat and the other outside high quality habitat. Implementation of these units is planned for 2007. Other units with poorer quality fisher habitat will be the next priority to be implemented.<sup>2</sup> Implementation of all eight units is expected over a three year period. This cautious approach will minimize the potential effects to fisher habitat while maximizing the opportunity to learn from in-progress studies and research before treating higher quality habitat.

### **Selected Alternative<sup>3</sup>**

Out of approximately 13,700 acres involved with the implementation of Alternative 3:

- More than 9,000 acres of Wildland Urban Interface zones will be treated.<sup>4</sup>
- Approximately 1,865 acres of Defensible Fuel Profile zones will be created.<sup>4</sup>
- Over 9,000 acres of prescribed burn treatments will be implemented.<sup>4</sup>
- Just under 6,000 acres will be thinned to implement the uneven-aged silvicultural strategy.<sup>5</sup>
- Over 2,000 acres of thinning treatments for the California Spotted Owl study will be implemented.<sup>5</sup>

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<sup>1</sup> These two units are identified as krew\_prov 1 and krew\_bul 1 in the EIS.

<sup>2</sup> These two units are identified as prov\_4 and n\_soapro\_2 in the EIS.

<sup>3</sup> A complete description of Alternative 3 is found on pages 2-44 through 2-47 of the final EIS, including management requirements and design measures.

<sup>4</sup> Final EIS Table 2-9

<sup>5</sup> Final EIS Table 2-17

## **Background**

The underlying purpose of the Project is to restore forest conditions thought to have been present prior to 1850, and in so doing, to preserve critical wildlife habitat and protect communities from wildfire. The Project was originally conceived as an adaptive management application of broad landscape level treatments, designed to reestablish pre-1850 forest conditions. It differs from the Sierra Nevada Forest Plan Amendment (Framework) 2004 strategy by treating the entire landscape instead of creating a system of strategically placed area treatments (SPLATS) to slow advancing wildfires. The Framework, both the 2001 and 2004 decisions, identified the Project area to allow implementation of this different strategy. In addition, this Project is very unique in that it provides the basis for several ongoing and proposed research studies that have begun testing the ecological response of this strategy, and its effects, on wildlife and water quality.

Adaptive management projects are designed to implement treatments to elicit an environmental response. Components include monitoring the environment to quantify the response, modeling the results to predict the effects of future treatments, and then modifying those treatments to achieve the results desired. The adaptive process is a continuous cycle of implementing, monitoring, modeling, and change until the desired results are achieved.

Several areas have already been treated within the larger Kings River Administrative Study area. Four management units totaling 5,500 acres have been thinned, and approximately 17,300 acres have been treated with prescribed fire. Approximately 5,000 of these acres have been burned twice. Progress reports for the Kings River area, including lessons learned and research publications, are documented in the general technical report PSW-GTR-183 (Proceedings of a Symposium on the Kings River Sustainable Forest Ecosystems Project: Progress and Current Status, 1998).

## **Summary of Effects**

In making this decision, I attempted to balance the social, economic, and environmental impacts this decision may have. In doing so, I listened to what our stakeholders, partners, elected officials, user groups, and the general public said. The majority of concerns expressed are as follows. What effect will large tree removal have on old forest dependent-wildlife species? Will the use of herbicides harm people and wildlife? Will the proposed action threaten the viability and cause degradation of habitat of the spotted owl, marten, fisher, and goshawk and lead to higher short-term risks on aquatic management? These and other questions addressed in the environmental impact statement helped to inform my decision.

It is apparent that some form of forest management is necessary to reduce the alarming buildup of fuels in our national forests and that doing nothing will likely result in high intensity fires that will destroy important wildlife habitat, diminish water quality, threaten nearby communities, and overall adversely affect our national forests for generations.

The crux of controversy, however, centers on developing the best forest management treatment to reduce the threat of catastrophic wildfire while at the same time protecting sensitive wildlife species. For this Project, the question focuses on how effective these vegetation treatments may be in protecting the fisher and spotted owl.

Little is known regarding the fisher's and spotted owl's response to forest treatments designed to protect their habitat and local human communities. A fundamental consideration for this Record of Decision is to balance the need for obtaining information on how fisher and spotted owls respond to forest restoration and fuels reduction projects, against the risk that the protective treatments themselves may cause harm. One of the key elements of the Project will be to continue ongoing field studies to refine our understanding of how to protect these species while at the same time reducing the threat of wildfire on human life and property.

The size of the southern Sierra Nevada fisher population is believed to be approximately 500 and recent data indicate there are between 28 and 36 individuals in the Kings River Project area (Jordon and others 2005). Many possible reasons may account for the decline in fisher numbers since the 1800s. However, trapping and the loss of habitat to wildfires, roads, homes, agriculture, or forest management are likely to be prominent contributors. The dilemma posed by this Project is whether the short-term adverse effects of reducing fuels and initiating the restoration of pre-1850 historical forest conditions will be offset by the benefits, over the next 10 to 20 years, of reducing the risk of stand replacing fires and improving suitable habitat.

While the consequences of this project on fisher and spotted owls are likely to be very limited, our intent must be to secure the safety of these species now, and maximize the environmental parameters that favor their ultimate survival. No one knows what this means in terms of how to reduce the threat posed by wildfire (probably the most imminent threat to habitat) while maintaining enough habitat especially for the current fisher population. Inaction may tip the balance towards greater loss of habitat to wildfire, while implementation of the planned treatments may shift a delicate balance of survival by directly affecting habitat quality in a way as yet unknown.

I am selecting Alternative 3 because I believe it resolves problems identified in the Proposed Action including the following:

- A specific Adaptive Management Plan covering spotted owl, watershed and fisher uncertainties has been crafted.

- For Yosemite toad, additional protection measures identified by the U.S. Fish & Wildlife Service resulted in a determination of “may affect individuals, and is not likely to result in a trend toward federal listing or loss of viability.”
- The Sierra Nevada has experienced a decrease in the number of large old trees. As part of restoring the historical pre-1850 forest conditions there is a need to reverse this trend. Large trees are an especially important component of habitat for many wildlife species such as spotted owl and fisher (Verner and others 1992). This alternative does the best job of accomplishing this need by retaining the existing large trees and providing adequate growing space in each stand for the medium sized trees. While the EIS identifies trees over 35” in diameter as large and old and as legacies of the historic forest, Alternative 3 proceeds cautiously by retaining trees over 30” in diameter that are found frequently across the landscape.
- Technical advice received from the U.S. Fish & Wildlife Service on fisher and Yosemite toad and numerous other publications were reviewed and incorporated into the analysis between the Draft and Final EIS to assure the best available science was utilized.

As an adaptive management project, Kings River provides a field oriented approach to complement modeling approaches such as Parks and Rojas’ (2006) “Modeling Existing and Future Vegetation Characteristics, Wildlife Habitat and Fire Behavior Indices in the Kings River Project Area Under Three Management Scenarios” and CBI’s Southern Sierra Nevada Fisher Assessment. The former modeling, which is described in Appendix H of the EIS, was completed and played a significant role in determining the effects of the alternatives. The latter modeling is in progress and preliminary results, which are available at [www.consbio.org](http://www.consbio.org), are summarized in the next paragraph and have been used to inform my decision.

One expected outcome of the CBI Fisher Assessment project is a set of scientifically credible habitat maps. CBI has worked with fisher scientists such as Dr. William Zielinski and Rick Truex to explore fisher habitat models that depict the most accurate, reliable, and meaningful representation of habitat use by fisher. To date, habitat value for fisher has been modeled at three scales: fine-scale resting habitat, home range composition, and regional distribution. In particular, the regional scale distribution perspective is being assessed from at least two different approaches or habitat models. Although it remains unclear whether these two approaches should be combined into one, the preliminary results show the potential for a much more robust description of fisher habitat. Interestingly, although the results of CBI’s work have been performed independently of the CWHR (California Wildlife Habitat Relationship) approach used in the Project Final EIS, the draft habitat maps produced by CBI thus far are similar to those maps that appear in the Final EIS (pages 3-161 and 3-162). For these reasons, I believe

these two parallel projects (the Kings River Project and the CBI Fisher Assessment) will complement one another over time.

## Research

Of particular importance to the Kings River Project are three major research studies:

- Research on fisher is being coordinated with the University of California as part of a collaborative adaptive management program with the Forest Service, the U.S. Fish and Wildlife Service, and the California Resources Agency. The wildlife research will revolve around two primary objectives; examining population limiting factors and the fisher's response to forest treatments. Research study plans are in development and will be completed by the spring of 2007. Baseline data collection will begin immediately thereafter.
- The California Spotted Owl Study is designed to gain knowledge regarding the effects of fuels and vegetation management on California spotted owls and their habitat. Specifically, the study is designed to test the effects of wildland urban interface treatments. If funding allows, radio telemetry will be used to track the movements and behavior of individual spotted owls. The extensive long-term body of demographic data from the Project area will improve our understanding of the relationship between vegetation patterns and owl survival and reproduction, as recommended in the recent meta-analysis (Blakesley et, al 2006). Limited treatments will occur within Protected Activity Centers (PACs). In Home Range Core Areas and adjacent habitat, the uneven-aged silvicultural strategy combined with prescribed fire will be applied.
- The purpose of the Kings River Experimental Watershed study is to evaluate the effects of uneven-aged vegetation treatments and prescribed fire on water quality and stream ecosystems. Selected measurements for evaluation include: stream discharge and water quality, soil condition, nutrient budgets, sediment budget, stream food web and/or energy budget, geomorphic processes, vegetation and fuel loading characteristics of upland and riparian areas. The study requires timely execution in order to measure the effects of treatment. At this time, baseline data collection has been completed.

## Fisher

The conclusion reached regarding the effects of the Project on fisher is that the Project "may affect individuals, but is not likely to trend toward federal listing or loss of viability."<sup>1</sup> The U.S. Fish and Wildlife Service's 2006 technical assistance letter concluded the likelihood of direct injury or death to fisher resulting from the Project is

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<sup>1</sup> Final EIS pages 3-195 through 3-196.

low if certain protection measures were added to the Project. I have incorporated these protection measures applicable to the fisher into Alternative 3. These measures include:

- Increasing retention of stands with >60% canopy cover following treatment.
- Protecting important habitat structures such as large diameter snags and oaks, patches of dense large trees (typically ¼ to 2 acres), large trees with cavities for nesting, and coarse woody material. Use firing patterns and place fire lines around snags and large logs to minimize effects of underburning. Use the “Fisher and Priority Sites Marking Guide-Kings River Project” to identify the most suitable individual trees and groups of trees for retention.
- Maintaining large trees suitable for denning and resting by restricting harvest to trees 30” dbh or less and retaining oaks unless they are a hazard to operations.
- Modifying burning schedules to avoid the fisher denning season (mid-March to mid-May) to the extent possible.
- Creating a system of Old Forest Linkages (OFL) along perennial streams, including 300 feet of adjacent habitat with 50-60% canopy cover on each side of the stream.
- Monitoring high quality fisher habitat in two or more of the eight Project management units.

Monitoring reports for the Sierra Nevada Forest Plan Amendment suggest that an expansion in the extent of occurrence for fisher may have taken place since the 1990s. (USDA 2005, 2006a) Jordan and others (2005) and personal communication from Dr. Kathryn Purcell on fisher population monitoring in the Kings River Project area indicate information was incorrectly interpreted in the EIS which stated that fisher population “numbers are stable.” The correct interpretation is the data do not suggest a significant trend, either increasing or decreasing. This correction does not materially alter my decision.

### **California Spotted Owl**

The activities proposed in the Project are within the scope of effects considered and described by the U.S. Fish and Wildlife Service in its 12-month finding to not list the California spotted owl. As a result, the Project would not result in any cumulative effects that are greater than those already analyzed by the U.S. Fish and Wildlife Service when it determined that listing of the California spotted owl as threatened or endangered is not warranted at this time. In selecting Alternative 3, habitat critical to spotted owl survival is expected to increase over a 30-year period. For all of these reasons, viability of the owl in the project planning area is not a concern.<sup>1</sup>

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<sup>1</sup> Final EIS pages 3-130 through 3-131



## Fire

I believe stand replacing fire is the greatest threat to fisher and spotted owl habitat. I find that fire is the most significant agent in rendering fisher and spotted owl habitat unsuitable. I am acutely aware of the stand replacing fires on the Stanislaus and Sequoia National Forests that have destroyed thousands of acres of fisher and spotted owl habitat. Two fairly recent fires on the Sequoia destroyed over 24,000 acres of fisher habitat and 8 spotted owl PACs.<sup>1</sup>

Alternative 3 will reduce surface fuels, ladder fuels, and crown density that are important elements of protecting forest structure and fisher and spotted owl habitat. I acknowledge there may be temporary displacement or disturbance of individual fisher and spotted owl in the short-term from thinning or burning activities but I find the likelihood that these activities will affect the species' viability to be speculative and unfounded. The risk of displacement or disturbance and the lack of hard evidence that detrimental effects will occur to individual fisher or spotted owl is substantially out-weighed by the likelihood that stand replacing fire will destroy thousands of acres of habitat in the Project area.

I received comments from the Sierra Nevada Forest Protection Campaign (Campaign) that contend the Forest's fuel modeling has driven us to thin too harshly to achieve the needed protection from wildfire. The Kings River Project's uneven-aged silvicultural strategy attempts to have a desired canopy cover (based on forest type, site quality, slope and aspect) play a significant role in dictating the residual stocking level rather than approaching vegetation management from the typical standpoint of setting a single artificial canopy cover minimum. A subjective assignment of canopy cover range thought to reflect pre-1850 historical forest conditions was determined for each combination of forest type, site quality, slope, and aspect and was used to develop stand prescriptions; the fire modeling was not used to determine treatment intensity. The fire modeling is used to compare the effectiveness of treatments.

Another concern expressed by the Campaign was that we used the 97th percentile rather than the 90th percentile historical weather to model the wildfire with and without treatments. Experience tells us that our worst fires occur during the 97th percentile weather conditions. The 2001 Musick and North Forks fires burned under 97% percentile fire weather conditions. Consequently, proposed treatments are tested against fire conditions under which actual large fires have occurred on the Forest. The spacing of tree crowns, the removal of fuel ladders and the reduction of surface fuels all help in reducing the risk of high intensity fire.

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<sup>1</sup> The 2000 Manter fire destroyed over 6,000 acres of fisher habitat and 1 spotted owl PAC. The 2002 McNalley fire destroyed 18,000 acres of fisher habitat and 7 spotted owl PACs.



### **Management Indicator Species**

Concerns were raised by the Campaign regarding monitoring and analysis of effects on Management Indicator Species (MIS). The purpose of monitoring and evaluating is to provide information on results and progress of the Forest Land and Resource Management Plan in order to make revisions or amendments in a timely manner. The Forest has collected monitoring data for spotted owl, fisher, marten, deer, and avian species and has included summaries of those data in its Forest Indicator Species Report, the Biological Assessment and Biological Evaluation, and in the Indicator Species Specialists Report. Many of the species listed by the Campaign are not Forest MIS such as Townsend's big-eared bat and pallid bat. With the exception of Olive-sided Flycatcher, Yellow Warbler, and Mountain White-crowned Sparrow, population monitoring for those species listed in Table 3 of the comment letter from the Campaign is not required.

Another issue raised by the Campaign concerned the Breeding Bird Surveys (Surveys). While there are limitations to the Surveys, Siegel and DeSante (1999), authors of "The draft avian conservation plan for the Sierra Nevada Bioregion: Conservation priorities and strategies for safeguarding Sierra bird populations," iterate that the Surveys are a tremendously valuable resource for conservation planning. The Survey Program identifies limitations to its program, and page 2 of the MIS Specialist Report echoes these limitations: "Readers are urged to exercise caution" when interpreting Survey data. Nevertheless, Survey data provide the most extensive, long-term data set available on landbird population trends (Siegel and DeSante 1999), and therefore reflects the best available science on these populations. In response to comments received from the Campaign on use of the Surveys in the MIS Specialist Report, a supplement titled "Historical Raw Data from the Breeding Bird Survey for Management Indicator Species on the Sierra National Forest" was prepared.

### **Soils**

Based on concerns raised by the Campaign regarding soil quality impacts, I need to clarify and correct some language in the EIS. For clarification, large woody debris will be left on the ground where opportunities exist in all eight management units. (Final EIS pages 2-43 and 3-208) Soil design measure #2 (Final EIS page 2-32) should be corrected to state: "Maintain 90% of the soil porosity over 85% of an activity area (stand) found under natural conditions." The literature on effectiveness of mitigation measures was reviewed and I find there is ample evidence that the soil design measures would be effective. This review has been documented and included in the "Summary of Response to Public Comments" dated December 15, 2006, and is available at the Forest Supervisor's office for public inspection and review.

## Other Alternatives Considered in Detail<sup>1</sup>

In addition to the selected alternative, I considered two other alternatives in detail which are discussed below. Alternative 3, the Reduction in Harvest Tree Size Alternative, is the environmentally preferred alternative.

### Alternative 1 (Proposed Action)

The proposed action consists of a series of activities that begins with the application of the uneven-aged silvicultural strategy including harvest limit of 35" dbh and prescribed fire. Included in this alternative are:

- Eight management units totaling approximately 13,700 acres.
- Three defensible fuel profile zones.
- Creation of small group openings.
- Planting conifers.
- Noxious weed control.
- Watershed restoration at priority locations.

These activities were developed with input and interaction with research in an attempt to eliminate or minimize adverse impacts to resources.

### Alternative 2 (No Action)

The No Action alternative would continue to guide management of the Project area using current management plans. It includes all ongoing activities with existing decisions or permits that would not be changed if this alternative were selected including: underburning, plantation maintenance, cattle grazing, recreation, and recreation residences. No research associated with the Proposed Action would occur and no project activities would be implemented to accomplish Project goals (historical forest restoration, substantial reduction of the potential for stand replacing wildfire or insect attack).

## Alternatives Considered but Eliminated from Detailed Study<sup>2</sup>

Three additional alternatives were considered but eliminated from detailed study:

- Eliminate Herbicide Use. Implement the proposed action but without the use of herbicide. This alternative would not meet the need to control weeds and competing vegetation in plantations.
- Study Previously Harvested Areas. Implement the proposed action but study other previously harvested areas without harvesting more timber. This alternative would

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<sup>1</sup> Final EIS pages 2-2 through 2-44.

<sup>2</sup> Final EIS pages 2-47 through 2-51.

not meet the project need of restoring forest conditions especially the need to increase the number of large trees.

- Sierra Nevada Forest Plan Amendment (2001). This alternative emphasizes harvesting of smaller diameter trees, such as a maximum of 20" dbh in most stands with some stands limited to 6" or less. A cursory analysis utilizing the Forest Vegetation System model revealed that this type of treatment would result in thinning from below in 96% of the stands. Because the majority of the focus would be on understory tree removal with a small portion of the middle story removed, the need to design treatments in accordance with the Project uneven-aged silvicultural strategy would not be met since trees in excess of the inverse J-shaped curve would remain in the middle and overstories. These types of treatments would also limit the ability to alter stand structure enough to meet the need of implementing the scientifically valid studies proposed by research. Although this alternative would meet the need of reducing the short-term impacts to the fisher due to a lighter treatment scenario, it would not meet the need of lowering the risk of loss of habitat associated with a stand replacing wildfire, nor increase the stands' resistance to insect and disease. While this alternative would reduce fuel ladders and ground fuels, it would also leave dense crowns that would be vulnerable to crown fires. This alternative would also limit the methods of fire hazard reduction so that only prescribed fire could be used in the Threat Zone within the Wildland Urban Interface and spotted owl PACs. Without some type of mechanical treatment prior to the burning, stand conditions are such that the risk of only using this tool is unacceptable.

## **Public Involvement**

A Notice of Intent to prepare an environmental impact statement for the Project was published in the Federal Register on December 20, 2004. This notice started the public scoping period from December 20, 2004 to January 24, 2005. In addition, the Forest conducted public meetings on September 14, 2004 and December 7, 2004. These meetings included a field trip to the Project area.

A Notice of Availability of the draft EIS was published in the Federal Register on January 27, 2006. Comments on the draft EIS were accepted until March 28, 2006. The final EIS was made available on the Sierra National Forest website on October 3, 2006. The public was advised of the availability of printed copies by public notice in the Fresno Bee on October 20, 2006. Information on the website and the newspaper notice also advised the public of the expected timing of the issuance of the Record of Decision. The Forest received additional public comments on the final EIS following its publication. Comments were submitted by 10 groups and individuals. Where the comments raised new issues or concerns not already addressed in the final EIS "Response to Comments" (Appendix G), those issues and concerns are addressed in this Record of Decision.

Comments regarding the Final EIS are captured in a document titled “Summary of Response to Public Comments” dated December 15, 2006.

Sharing information about the Project has been continuous. Project representatives held informational meetings, made presentations, conducted conference calls, took people on field trips, briefed other agencies and government representatives, talked to the media, and seized opportunities to explain the concepts of the Project whenever or wherever possible.

## **Findings Required by Other Laws and Regulations**

### **National Forest Management Act**

The Project was designed to be consistent with the standards and guidelines in the 2004 Sierra Nevada Forest Plan Amendment and remaining standards and guidelines from the 1992 Sierra National Forest Land and Resource Management Plan. The 2004 Sierra Nevada Forest Plan Amendment provided the most recent direction applicable to the Project.

### **Endangered Species Act**

The Project will comply with the law through the conduct of Biological Assessments and Evaluations that analyzed effects of the Proposed Action and the Reduction of Tree Harvest Size Alternative and made determinations on federally listed endangered, threatened, candidate, and proposed species and their habitat. The analysis was conducted, in part, to determine whether formal consultation or conference was required with the United States Department of Interior (USDI) Fish and Wildlife Service, pursuant to the Endangered Species Act.

### **Clean Water Act**

The Project will comply with the law by adoption of Best Management Practices and other design measures as detailed in EIS Chapter 2.

### **Clean Air Act**

The Project will comply with the law by implementation of the Best Available Control Measures (BACMs) for prescribed fire as required under section 190 of the Clean Air Act as amended in 1990.

### **National Historic Preservation Act**

Project implementation will comply with the stipulations of the First Amended Regional Programmatic Agreement Among the USDA Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National

Historic Preservation Act for Undertakings on the National Forests of the Pacific Southwest Region (Regional PA), dated 2001 (USDA 2001b). This project complies with Stipulations III.C. (2) and III.D.(3)., Undertakings Where Management Measures Are Necessary for the Protection of Historic Properties.

## **Implementation Timeline and Ongoing Fisher Assessments**

I recognize the caution raised by the Campaign and the California Attorney General regarding possible short-term unacceptable effects to fisher and spotted owl. In response to these concerns, I am directing a staged approach for entering management units with higher quality fisher habitat to allow maximum opportunity to learn from the in-progress CBI Southern Sierra Nevada Fisher Assessment and to provide additional time for the Pacific Southwest Research Station to gather baseline data for the fisher study. Pursuant to Forest Service policy, if new information surfaces from the work performed by the Conservation Biology Institute and others, I will review it to determine what actions are necessary. This cautious approach will minimize the potential effects to fisher habitat while maximizing the opportunity to learn from the in-progress CBI study and Pacific Southwest Research Station research and apply it when treating higher quality habitat.

## **Conclusion**

The threat of catastrophic wildfire in the Sierra Nevada is real and significant. People who follow management of our national forests agree that doing nothing to treat the current conditions will likely result in large intense fires that will destroy important wildlife habitat, diminish water quality, threaten nearby communities, and overall adversely affect the quality of our national forests for generations. Controversy focuses on what types of treatments to use to restore the health and fire resiliency of our forests, while protecting other important resources such as wildlife. The case is compelling that fire is the most significant agent for rendering fisher and spotted owl habitat unsuitable and I am acutely aware of the high intensity fires on the Stanislaus and Sequoia National Forests that have destroyed thousands of acres of fisher and spotted owl habitat. The dilemma posed by this Project is whether the short term adverse effects of reducing fuels and initiating the restoration of historic forest conditions will be offset by the long term benefits. In this decision, I try to balance the concerns that I have heard from many people regarding impacts of forest management on wildlife with the need to proceed with reducing the threat from wildfire and conducting research that will ultimately lead to better protection for the fisher and spotted owl.

In all, I am confident that this is a sound, well reasoned decision.

## Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period.

When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

## Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR Part 215. Only those individuals and organizations who submitted written or oral comments during the 45-day comment period (36 CFR 215.6) and otherwise meet the specific requirements of 36 CFR 215.13 have standing to appeal. Appeals must be filed within 45 days from the publication date of this notice in the Fresno Bee. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer (36 CFR 215.8) within 45 days following the publication date of this notice. The publication date of this notice is the exclusive means for calculating the time period to file an appeal (36 CFR 215.15) (a)). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to Bernie Weingardt, Regional Forester, 1323 Club Drive, Vallejo, CA 94592, (707) 562-8737. Appeals may be submitted by FAX [707-562-9091] or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (Monday-Friday 7:30 am to 4:00 pm). Electronic appeals, in acceptable [plain text (.txt), rich text 9.rtf) or Word (.doc)] formats, may be submitted to: [appeals-pacificsouthwest-regional-office@fs.fed.us](mailto:appeals-pacificsouthwest-regional-office@fs.fed.us) with Subject: Kings River Project.

## Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Ross Peckinpah, Kings River Project Coordinator, High Sierra Ranger District, PO Box 559, Prather, CA 93651; 559-855-5355.

/s/ Edward C. Cole

12/20/06

EDWARD C. COLE  
Forest Supervisor  
Sierra National Forest

12/20/2006

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